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Forced Marriage and Gender Transformation: Feminist State and Civil Society Networks at the Local Level¹

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Abstract

This article shows how forced marriage arrived on the French political agenda; how it has been framed as a policy issue; how forced marriage policy is implemented; and what impact, if any, it has had on gender transformation. Data is drawn from policy documents and fifty-one semi-structured interviews held with state and civil society actors. Fieldwork was conducted in Île de France, Montpellier and Strasbourg, selected because of the existence of networks explicitly focused on forced marriage. The article finds that French forced marriage policy is concerned more with protecting or rescuing individual women and girls than with changing gender relations or challenging the structures and power relations that enable violence against women and girls.

Keywords

Forced marriage; gender-based violence; France; policy; implementation; impact

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Introduction

Forced marriage was brought onto the French political agenda as a result of action by specialist civil society organisations, who fought to raise awareness of the issue and to influence the way the problem was defined and addressed. In subsequent policy debates, forced marriage was defined variously as an issue specific to migrant populations and threatening French republicanism, as a form of violence that affects migrant women and women of migrant origin, or as part of a continuum of forms of violence against women. Some participants in these debates conflated forced marriage with early marriage and arranged marriage, while others distinguished between them. These broader debates and conflicting definitions have influenced the policies that have been introduced to address the issue and have affected the extent to which their implementation benefits those in, or at risk, of forced marriage.

The Gender Equality Policy in Practice (GEPP) network, to which this research contributes, assesses the extent to which policies have transformed gender relations. This article argues that, in France, policy on forced marriage has not attempted to transform gender relations. In GEPP terms, therefore, it is gender-neutral. The GEPP summary measure suggests that in such cases little or no money or resources were invested in implementation and that the policy was symbolic. We find that in the case of forced marriage it is more complicated than this. Forced marriage policy plays some symbolic roles. It contrasts desirable French republican universalism with non-French patriarchal cultural practices. This contributes to rendering French patriarchal practices and highly prevalent domestic violence invisible ('othering' gender-based violence, as Montoya (2013) has shown in relation to the European Union). Forced marriage policy also transposes into French law France's international obligations derived from the Istanbul convention which is itself

framed in a very gender transformative manner, seeing gender-based violence against women as a cause and a consequence of gender power relations, which need to be challenged. We ask, therefore, whether forced marriage policy as it exists reflects the analysis and demands of feminist and migrant women's associations who work in this area and whether their aims are gender transformative. We find that forced marriage policy is largely about protecting or rescuing individual women or girls. It is not about changing gender relations or social attitudes or about challenging the structures and power relations that enable violence against women and girls. These findings make an important contribution to our understanding of the impact of policy on gender relations.

Forced marriage is a form of gender-based violence which affects specific groups. Drawing on Montoya (2013, 249), we argue that it is necessary to study specific forms of gender-based violence, as well as much more prevalent kinds. This must neither undermine the seriousness of violence against women in all its forms, nor marginalise already vulnerable groups. We stress that forced marriage, like all forms of gender-based violence, is rooted in structural causes which must be addressed. Gill, Cox and Weir (2018) recognise that the use of culture in public, policy and legal approaches to types of violence against women which exist within specific immigrant communities can racialise them. However, they argue that 'culture is nevertheless an important element in expressions of (and responses to) violence.' Addressing this can help to produce understandings and responses to forms of violence against women. They argue that forced marriage, and related issues, require a specific response that recognises that they are the 'product of both gender-based and culturally inflected violence' and that policy and practice are 'shaped by racism and cultural misunderstanding'. They aim to 'move these debates forward by channelling

victim and practitioner insights into pragmatic programmes for change that, ultimately, help reduce harm' (Gill, Cox, and Weir 2018, 580).

This article first presents a bottom-up account of how forced marriage arrived on the French policy agenda. Second, it traces the process of policy formulation and adoption. Third, it outlines the tools and instruments for implementation and shows how they have been applied. Finally, it assesses the implementation and impact of forced marriage policy.

Methods

The research was conducted in the Île-de-France (Paris) region (encompassing the departments of Seine-et-Marne, Yvelines, Essonne, Hauts-de-Seine, Seine-Saint-Denis, Val-de-Marne and Val-d'Oise), Strasbourg (Bas-Rhin) and Montpellier (Hérault). These three locations were selected because preliminary enquiries among contacts in women's organisations and a survey of violence against women networks revealed that they had active networks against forced marriage. A variety of structures involved in implementing forced marriage policy were also identified. In these three locations, we conducted 51 in-depth, semi-structured interviews with state and civil society actors. Participants included the government's Service des droits des femmes et de l'égalité (SDFE) and its regional and departmental delegations; police préfectures; medical and legal professionals working with statutory agencies and civil society organisations; the interministerial agency for the protection of women from violence and trafficking (MIPROF); the Haut Conseil à l'Egalité entre les Femmes et les Hommes (HCE) ; and civil society organisations providing legal, health, social, educational, and housing support to women from migrant and minority communities or working in specialist violence against women organisations including those which specialise in issues of forced marriage, female genital mutilation (FGM), and other

‘honour’ based violence. In addition, we carried out an analysis of policy documents including relevant parliamentary debates, enquiries, bills and legislation; national and local government statements and reports; activist material and annual and research reports published by civil society organisations and public sector agencies, including the police and social workers’ professional organisations. A thematic analysis of the interviews and documents was conducted. Key themes were violence against women generally, forced marriage specifically, minority women’s struggles and grassroots activism against honour-based violence. These were analysed in relation to gender equality, immigration, exclusion and social cohesion.

Two methodological issues arise at the outset. Firstly, policy on gender-based violence is not neatly demarcated, but is dispersed throughout a wide range of policy areas. In the case of forced marriage, this fragmentation is equally pronounced. The law governing forced marriage is not presented in a discrete package but is present in different pieces of legislation which address questions of immigration, settlement and integration, child protection, marriage, divorce and domestic violence. Secondly, in this policy area, as in many others, there is no clear delineation of pre- and post-adoption stages. Policy formulation, adoption, implementation and evaluation co-exist and overlap with each other (Allwood and Wadia 2009, 3). Gains and Lowndes’ work (2015, 7) is a reminder that there is no clear distinction between policymaking and policy implementation: ‘Policy is only really “made” when it is brought to life by local actors, who are charged with adapting overarching policy statements to local contexts, resource bases, political sensibilities and previous policy legacies. Such insights challenge the very distinction between *policy making* and *policy implementation*’. Engeli and Mazur (2018, 113) recognise that ‘the demarcation of the stages of the policy process are not clear-cut in the reality of policymaking’. In the

case of French forced marriage policy, civil society organisations were working on this before, during and after formal policy was introduced. Policy decisions are important, but grassroots activists did not wait for them, then implement them – they were responding to the problem as they saw it throughout this time period. Although for analytical purposes we distinguish between policymaking, implementation and outcomes, we nevertheless highlight the continuous and overlapping nature of all of these ‘stages’ and place a particular emphasis on the perspectives and actions of civil society actors on the ground.

Forced marriage and the public imaginary : the role of associations

Civil society organisations played a pivotal role in raising awareness of forced marriage and getting it onto the political agenda. Early awareness of forced marriage in France developed in the mid to late 1970s when young women of, or nearing, marriageable age arrived as family reunification migrants, following French government policy to stop labour migration from France’s ex-colonies, particularly in the Maghreb and sub-Saharan African regions. However, it was rare for cases to capture public attention or cause concern among public authorities and politicians. The founder of the organisation Voix de Femmes is known to have confided in her school teachers about being forced by her parents into marrying a man in their country of origin and to have been referred to the police for protection as a minor only to have the judge hearing her account tell her to go home as it was a normal part of her culture (Interview, 7 June 2018, Paris). The attitude that forced marriage was a family affair in certain migrant cultures affecting only small numbers of young women, and that it was not worth drawing attention to such practices in the context of French integration policies at the time, prevailed into the 1990s (Interview, 28 February 2017, Paris). As a result only a few organisations such as Voix de Femmes

and GAMS (Group for the Abolition of Female Genital Mutilation), on shoestring budgets, were engaged in limited activity focused on raising awareness of forced marriage among social workers and teachers; accompanying young survivors of forced marriage to police interviews and court hearings; and the occasional public education campaign.

In the early 1990s, as new migrants arrived in France from Turkey and the Middle East and as the Front National made electoral gains both nationally (the 1997 legislatures saw them win their best score to date of 15.5% of votes) and locally (in the 1995 municipal elections they won Toulon, Orange and Marignane followed by Vitrolles in 1997) on an anti-immigrant/anti-Islam platform, the media spotlighted certain cultural practices such as forced marriage which were seen to threaten the very foundations of the French republic.

The positioning of vulnerable young migrant women and those French-born to migrant families, between violence in the home and racism outside the home meant that organisations such as GAMS and Voix de Femmes stepped up political lobbying and campaigning efforts to support these young women. These civil society organisations broadened their focus to include training for front-line staff in the public sector in identifying potential and actual victims of forced marriage and in how to offer protection and support – this was managed by *ad hoc* funding from either sympathetic local authorities, government agencies or, rarely, certain ministries. For example, in 1999-2000, GAMS, in collaboration with the Conseil Général of Seine-Saint-Denis, the Observatoire contre les Violences envers les femmes and the Délégation Départementale aux Droits des Femmes et à l'Égalité, organised the first in-service training programme for social work, medical and education professionals in the Seine-Saint-Denis department. However, much of the work done on prevention of

forced marriage and support for victims (both real and potential) was fragmented and, on the whole, there was little scope for organisations or individuals to collaborate, exchange knowledge or share good practice.

While migrant and/or women's organisations were at the forefront of initiatives on preventing forced marriage, other social and political actors also played a part in gradually moving forced marriage as an issue onto the political agenda. Emboldened by the duty placed on them by the Ministry of Education and Ministry of Solidarity and Social Cohesion to report sexual violence against children (circular 97-175 of 26 August 1997), schools began to take a more active stance against forced marriage.

The increased attention to forced marriage continued into the 2000s, drawing more women's organisations in Paris and other regions (e.g. the Mouvement Français pour le Planning Familial – MFPPF - and the Centres d'Information sur les Droits des Femmes - CIDF) into campaigning and advocacy work around forced marriage and also mobilising politicians, legal experts, academics and other professionals. It led to a renewed critique of forced marriage as a form of gender-based violence which had to be prevented by the French state as part of a commitment to increasing women's rights, but without stigmatising the minority communities in which this form of violence occurred. This was in the context of a growing focus by the state on countering gender-based violence following the 2001 announcement, by the Socialist minister with responsibility for women's rights, Nicole Péry, that violence against women would be her department's top priority.

The state steps in

Once forced marriage had attained agenda status, it was addressed through the introduction of legal measures and was included in the government's three-yearly

national action plans on violence against women.² The law has addressed forced marriage in three main ways: introducing measures to ascertain consent at the time of marriage and to annul marriages where consent was lacking; raising the legal minimum age of marriage for women from 15 to 18; and constructing forced marriage first as an aggravating circumstance leading to harsher penalties for offences such as threats or violence, and later as a specific named offence.

Ascertaining consent at the time of marriage and annulling marriages where consent was lacking

Table 1 Legal Measures

Dates	Laws and other measures
2001	Declaration by the Socialist minister with responsibility for women's rights, Nicole Péry, that violence against women will be one of her department's top priorities.
2003	Law no. 2003 – 1119 of 26 November 2003 regarding immigration control, foreigners in France and nationality requires mayors to interview future spouses in order to ascertain consent, unless it is beyond doubt. If an absence of consent is suspected, the public prosecutor has 15 days to decide to allow the marriage to proceed, to oppose it, or to suspend it pending an investigation.
2004	Article 40 of the Criminal procedure code revised by Loi n°2004-204 du 9 mars 2004 - art. 74 JORF 10 mars 2004 states that any public officer who, in the course of their duties, becomes aware of an offence is obliged to notify the public prosecutor without delay and to hand over any relevant information or documentation.
2006	Law no. 2006-1376 on the control and validity of marriages requires free and voluntary consent for marriage. It raises the legal minimum age for marriage for women from 15 to 18. It makes it compulsory for mayors to interview prospective spouses separately when there is any doubt about freedom of consent, whether the marriage is celebrated in France or abroad; it makes it easier to annul a marriage when consent is lacking, including allowing the public prosecutor to call for an annulment, not just the concerned spouse; and it extends the time period during which the marriage can be contested. It also introduces the offence of marital rape, which can be used in cases of forced marriage.
2010	Prime Minister, François Fillon, declares domestic violence a 'Grande cause nationale'.
2010	Law no. 2010-769 on violence against women, within the couple and the effect of these forms of violence on children increases the penalties for violence committed in order to force someone into marriage.
2012	Appointment of Najat Vallaud-Belkacem as full cabinet Minister for Women's Rights.
2013	Creation of the MIPROF (Mission interministérielle pour la protection des femmes victimes de violences et la lutte contre la traite des êtres humains). MIPROF is responsible for data collection, developing local initiatives and sharing best practice. It acts as a national observatory for violence against women and publishes an annual report.
2013	Law no. 2013-711, which brings France into line with its commitments set out in

² See Table 1 below for a summary of all of the legal measures and Table 2 for a summary of the National Action Plans.

	the Council of Europe (Istanbul) Convention on preventing and combating violence against women and domestic violence, creates an offence of using deception to lure a person out of the country in order to force them into a marriage in another country
2014	Law no. 2014-476 ratifying the Istanbul Convention.
2014	Law no. 2014-873 on Equality between Women and Men. This transposes the Istanbul Convention into French law, including the criminalisation of forced marriage.
2018	Code pénal Article 434-3 Modified by LOI n°2018-703 du 3 août 2018 - art. 1 Modified by LOI n°2018-703 du 3 août 2018 - art. 5 Any person with knowledge of hardship, mistreatment, sexual assault or sexual abuse inflicted on a minor or a person who is unable to protect themselves due to their age, illness, disability or pregnancy, who does not alert the judiciary or administration or who continues not to alert the authorities when these offences do not cease, will be punished with three years' imprisonment and a 45000 euro fine. These penalties are increased when the victim is under 15 years. Exceptions are made for professionals who have confidential information.

Law no. 2003 – 1119 of 26 November 2003 regarding immigration control, foreigners in France and nationality requires the mayor to interview future spouses in order to ascertain consent, unless it is beyond doubt. If an absence of consent is suspected, the public prosecutor has 15 days to decide to allow the marriage to proceed, to oppose it, or to suspend it pending an investigation (Ministère des familles de l'enfance et des droits des femmes 2016). Where forced marriage is addressed within laws targeted at solving problems linked with immigration, there tends to be conflation between forced marriage and marriages of convenience. Reducing the latter serves an anti-immigration agenda (Assemblée nationale 2004a, 1). When forced marriage is not framed within immigration debates, it is presented as a form of violence against women (Zimmermann 2005, 104). Some actors stress the importance of situating forced marriage as one manifestation of violence which affects women throughout society. They argue that it is important to avoid stigmatising particular groups of men, such as 'Arabs' or 'Muslims' (André 2010, 6–7) and remind their audience that it was not that long ago that French families arranged their children's marriages (Zimmermann 2005, 122). Sometimes, however, forced marriage forms part of a broader attempt to address violence against migrant women and women of

migrant origin (André 2010, 7). Most of the measures introduced to address forced marriage in France are part of laws on violence against women: the 2006 law reinforcing the prevention and punishment of violence in the couple and against children; the 2010 law on violence against women, violence in the couple, and the effect of these on children; the 2013 law, which brings France into line with its commitments set out in the Council of Europe (Istanbul) Convention on preventing and combating violence against women and domestic violence; and the 2014 law on equality between women and men.

Raising the legal minimum age of marriage for women to 18

The Law of 2006 raised the legal minimum age for marriage for women from 15 to 18. This was introduced as a Senate amendment during the first reading and was specifically in order to address forced marriage (Assemblée nationale 2005, 1–2). The law also made it compulsory for mayors to interview prospective spouses separately when there was any doubt about freedom of consent, whether the marriage was celebrated in France or abroad; it made it easier to annul a marriage when consent is lacking, including allowing the public prosecutor (not just the concerned spouse) to call for an annulment, and extending the time period during which the marriage can be contested; and introduced the offence of marital rape, which can also be used in cases of forced marriage. Many actors define forced marriage as rape (with the complicity of the parents), although for others this could be problematic, for example, when neither party consented to the marriage.

There was a debate in Parliament about whether the age should be raised. In response to a parliamentary question, the Minister of Justice summarised the arguments for and against. On one hand, in favour of raising the marital age were those who sought equality between men and women. On the other, preventing girls

from marrying before the age of 18 would deprive some of them of the opportunity to escape a hostile family environment. The Minister argued that raising the age in order to prevent forced marriage was no longer an issue, since forced marriage had been dealt with by Law no. 2003-119 of 26 November 2003. For this reason, parliament rejected an amendment calling for raising the marital age when it considered the divorce bill (Geoffroy and Blisko 2007, 23). The Minister of Parity and Equality at Work presented the issue from a different perspective. She argued that the inequality between the minimum ages for boys and girls is no longer in keeping with social mores and that keeping the age at 15 for girls makes it easier for them to become victims of forced marriage. Girls under the age of 18 find it more difficult to refuse forced marriage and more difficult to leave the family home. A working party chaired by Nicole Ameline concluded that raising the age would contribute to the fight against forced marriage and that it would be in keeping with obligations under CEDAW. This proposal was included in the bill which was later passed as the 2006 Law.

Making forced marriage an aggravating circumstance or a specific offence

Parliament debated whether there should be a specific offence of forced marriage. This emerged during discussions about the proposed laws of 2006 and 2010, neither of which went on to create a specific offence. The law of 2013, in a set of measures introduced to bring France into line with its obligations under the 2011 Istanbul Convention, created an offence of luring someone abroad in order to force them into marriage.

Associations, including MFPPF, Cimade Languedoc-Roussillon, CICADE, and Ni Putes Ni Soumises, were opposed to the creation of a specific offence of forced marriage (Assemblée nationale 2004b, 1). They argued that criminal sanctions already exist and just need to be implemented. These include violence, sexual assault, threats,

kidnapping, illegal confinement and rape. Secondly, they argued that if forced marriage were criminalised, victims might be reluctant to report it, for fear of seeing their parents prosecuted. They argued that in most cases the only thing the victims wanted was 'not to be married'. They rarely wanted to press charges or seek punishment (Zimmermann 2005, 104; Bousquet and Geoffroy 2009, 248). The fact-finding mission on the family and children's rights, which reported in 2006, further argued that parents could circumvent a criminal offence instituted in France by sending their children abroad to be married, and that parents often believe they are acting in the best interests of their children. Criminal prosecutions of the parents would increase the sense of guilt experienced by children who recognise that this is the case (MFPP, Cimade LR, and CICADE 2005, 2).

The 2009 evaluation report of the 2006 law on violence argued in favour of the creation of a criminal offence of forced marriage (Bousquet and Geoffroy 2009, 248). The authors, Danielle Bousquet and Guy Geoffroy, stated that we cannot accept the argument that criminalising an action would dissuade reporting, since this could apply to many offences. They also argued that the Council of Europe encourages the creation of a specific offence, that Norway and Germany have already done this, and that it would carry symbolic weight, as argued by the National Assembly's Women's Rights Delegation in 2005, justifying its support for such a move (Bousquet and Geoffroy 2009).

The Law of 2010 made forced marriage an aggravating circumstance; introduced protection orders for women at risk of forced marriage, preventing them from leaving the country; and gave French courts jurisdiction in the case of crimes committed abroad towards French nationals or residents. Associations reported that the creation of forced marriage as an aggravating circumstance, which means that

other offences, such as murder, torture and actual bodily harm, are punished more harshly when they are committed in order to force someone into marriage or as a result of refusal to enter into such as marriage, has brought the issue into the open. They claim that young women and men who are victims of forced marriage contact associations more readily, even if this contact does not necessarily lead to a formal complaint (Zimmermann 2005, 40).

National action plans regarding policy on violence against women are formulated by the ministry with responsibility for gender equality, which is normally part of other government departments, such as solidarity or the family. The exception was the full ministerial post for women's rights held by Najat Vallaud-Belkacem (2012-14). National action plans on violence against women have progressively increased attention to forced marriage (see Table 2). The first NAP was launched in 2005 and included just one provision intended to address forced marriage: emergency accommodation for young women from areas of high immigrant population. In subsequent NAPs, forced marriage is addressed as one of many forms of violence against women, sometimes closely related to female genital mutilation (notably the fourth and parts of the fifth NAP).

The first state campaign for the prevention of forced marriage was launched in 2007 by Valérie Létard, the Minister for Solidarity, as part of the second NAP (2008-10). Essentially an awareness-raising campaign, its aim was to reduce the number of girls and young women at risk of 'traditional forms of violence'. Following this initiative, cities and departments outside the Île-de-France region, notably Hérault and Haute Garonne, took up the issue of forced marriage, and funding from the state at national and local level was made available for studies including *Enquête sur les mariages forcés et l'accompagnement des victimes en Seine-Saint-Denis*

(Observatoire des violences envers les femmes du Conseil général de Seine-Saint-Denis 2012) and *Étude statistique sur la prise en charge par l'association Voix de Femmes des personnes concernées par un mariage forcé* (Abu Amara and Hamel 2014).

Table 2 National Action Plans

1st NAP 2005-2007	Includes the provision of emergency accommodation for young women 'des quartiers' in order to fight against forced marriage.
2nd NAP 2008-2010	Includes references to raising awareness of forced marriage amongst young people, adding forced marriage to the work of the National Commission on Violence against Women, and to the training of professionals.
3rd NAP 2011-2013	<p>Reviews recent policy:</p> <ul style="list-style-type: none"> • Prevention – information, awareness-raising. • Punishment – laws of 2006 and 2010. • Cross-ministerial action including a communication campaign in 2009. <p>Action 44: undertake a qualitative and quantitative survey on forced marriage.</p> <p>Axe 2 – monitor and analyse the measures in place on forced marriage; undertake an annual assessment of the implementation of the measures introduced in the law of 9 July 2010.</p> <p>Axe 3 – promote awareness raising throughout society.</p> <p>Axe 4 – training of professionals.</p> <p>Axe 6 – improve protection of women.</p>
4th NAP 2014-2016	Section 3.8 is to prevent and fight against forced marriage and female genital mutilation. It states that, in addition to the legal reform, the following actions were taken in 2013: a review of the structures in place in French consulates abroad to deal with victims of forced marriage; training of consular staff; and public awareness raising campaigns. Three new actions have been planned: strengthening regional forced marriage prevention networks put in place by the MFPF; partnership with Voix de femmes; the inclusion of forced marriage in the remit of the national violence helpline 3919. Also, the 2007 guidance on equality between women and men of migration origin will be updated and disseminated.
5th NAP 2017-2019	<p>Objective 21 to improve young women's reporting of violence has as action 72 the training of professionals in contact with young women; action 73 is the training of professionals on forced marriage.</p> <p>Objective 22 is about providing accommodation for young women to protect them from violence. It includes Action 75 on accommodation for women at risk of forced marriage.</p> <p>Objective 25 is to prevent forced marriage and female genital mutilation and look after its victims. The partnership between the Ministry, GAMS and Voix de femmes will be renewed.</p>

Implementation

The instruments created in order to implement the laws and national action plans discussed above can be categorised according to the typology devised by Ingram and Schneider (1990) and cited by Engeli and Mazur (2018):

1. Authority instruments which authorise or ban particular behaviours.
2. Incentive instruments, which aim to achieve policy goals by nudging behaviours providing encouragement for target groups to adopt or change a particular behaviour. These incentives can be positive or negative.
3. Capacity and learning instruments are the tools that provide resources, knowledge and skills to catalyse and coordinate the actions of individual policy actors.
4. Symbolic instruments are mostly communication tools that aim at emphasising positive aspects and values, and exposing negative aspects and values, linked to the targeted behaviour (see Table 3).

As Table 3 presents below there was a mix of all four policy instruments for the implementation of the measures and NAPs.

Table 3 Forced Marriage Implementation Instruments

Authority instruments:

- Suspension of a marriage. According to 175-2 of the Civil Code, a civil servant can alert the public prosecutor, even on the day of the marriage, if there is evidence to suggest that the victim does not consent. The prosecutor can decide to suspend the marriage for one month, renewable once, while they investigate.
- Opposition to a marriage. This is a rare decision that can be taken by the public prosecutor following investigation during a suspension or on receipt of the evidence from the civil servant if it shows that one of the parties does not consent.
- Protection orders for women at risk of forced marriage.
- Immediate referral to the judge for children in order to obtain an emergency protection order, which includes a ban on leaving the country for girls at risk of forced marriage.
- Protection orders give access to an emergency residence permit for foreigners whose immigration status is irregular at the time of the forced marriage.
- When a forced marriage takes place outside France, Article 34 of the law of the 9 July 2010, revised by the law of the 4 August 2014 states that French consular authorities will take the appropriate measures to ensure the return to France of persons of French nationality or who reside in France, including those who are being held against their will for more than three years, when such persons have been victims abroad of violence or sexual assault in the context of a forced marriage or as a result of their refusal to submit to a forced marriage.

Incentive instruments

- An agreement was signed in 2013 with the CROUS ('un toit pour elle') to provide accommodation in university halls of residence for young women in secondary or tertiary education at risk of forced marriage.
- Another agreement was signed in March 2014 with the association FIT ('une femme, un toit') to offer accommodation and protection for young women (18-25) at risk of forced marriage and no longer in education (Geoffroy and Bousquet 2012, 25).
- The Departmental Council can mobilise a budget for accommodation for young women experiencing intra-familial violence. This can include forced marriage.

Capacity and learning instruments

- The National Education system is committed to training its staff, to identifying children in difficulty; and to identifying children who do not return at the beginning of the school year.
- At the departmental level, public policy on violence against women should be implemented by the

Commissions départementales d'action contre les violences faites aux femmes, bringing together all the relevant partners (Observatoire des violences envers les femmes de la Seine-Saint-Denis 2014). However, the extent to which they have been successfully constituted varies across the country.

- The training of consular staff; and the dissemination of guidance for headteachers (André 2010, 39).
- The policy domain of violence against women which includes forced marriage is supposed to bring about networking partnerships at national government or ministerial level (most commonly involving the ministries of the Interior, Education, Justice and Health) coordinated by the Secrétariat d'état chargé de l'égalité entre les femmes et les hommes. One expression of such networking partnerships is found in the interdepartmental unit for protecting women against violence and combating human trafficking (MIPROF) set up in 2013. The MIPROF, whose role is to increase knowledge about violence against women in France, develops professional training programmes for those working with women victims of violence and to coordinate national actions against human trafficking, draws on the expertise of staff in different ministries in addition to that of its own staff. It also connects with sub-national agencies (local authorities, NGOs, local women against violence networks) in order to achieve its goals. Since 2013, MIPROF has developed professional training materials on forced marriage.

Symbolic instruments

- Other measures which have been introduced include the creation of an electronic mailbox by the Ministry for Foreign Affairs and International Development in April 2014 and the creation of a section on forced marriage on the government's Stop-Violences-Femmes website.

Key actors who have shaped definitions of forced marriage and responses to it are the Observatoire des Violences envers les femmes of Seine Saint Denis, which produced a protocol, then a guide, which is widely used; the associations Voix de femmes, the MFPPF and GAMS; and, at a local level, some of the most effective implementation is carried out by networks which bring together the police, judiciary, education, social services and associations. Additionally, the Haut Conseil à l'égalité entre les femmes et les hommes (HCE) sees itself as a key national actor in fighting violence against women. While the HCE's Gender and Violence Committee does not have policy implementation functions, it is responsible for evaluating policy implementation which then feeds back into policy (re)formulation processes.

While government departments, through agencies such as the MIPROF, provide data and knowledge about gendered violence and design professional training programmes for those who work to prevent violence, protect women and raise public awareness, the responsibility of actually carrying out these strands of policy

implementation is devolved to the state at sub-national level, mainly departmental and municipal, or to civil society organisations.

In implementing policies on violence against women, departments are supposed to establish Commissions départementales d'action contre les violences faites aux femmes, including actions on forced marriage. In principle these departmental commissions work with the support of actors attached to regional and departmental delegations for women's rights, local authorities and police prefectures, health services, academy rectors, head teachers of local schools, legal professionals and high courts, social workers and health professionals and civil society organisations. However, many departments have failed to set up such commissions and in practice there exists a patchwork of structures across departments and at municipal level, with more actions occurring in areas where violence against women and forced marriage are on the public agenda. It is worth noting that state agencies have not created specific structures to deal with forced marriage but that most started to take on implementation work as a result of growing public awareness of the practice, increased requests for support from forced marriage victims and civil society organisations and additionally, in some cases, because an elected representative or senior administrative official or group of such people had an interest in the issue of forced marriage.

Our research revealed a variety of structures involved in implementing forced marriage policy. The department of Seine-Saint-Denis has been a frontrunner, initiating, piloting and instituting approaches which have informed, if not created, national policy. In 2002, it established the Observatoire départemental des violences envers les femmes. Its systematic actions (for example the organisation of meetings with migrant women to discuss issues such as forced marriage and the establishment

of the group Jeunes contre le sexisme) over the past 15 years have lent support to young women and girls forced to marry on the grounds that this is a form of violence against women (Interview, 27 September 2017, Paris). In the departments of Essonne, Hérault and Bas-Rhin, there is evidence that forced marriage is being taken into account as an issue of violence against women in the work that is being done at departmental level. For instance, in the city of Strasbourg, training programmes for professionals on forced marriage form part of the actions to reduce violence (Interview, 14 November 2017, Paris; Interview, 15 February 2018, Strasbourg) while in the Hérault, the departmental prefecture and Commissariat de Police in Montpellier have provided a service integrating police, social workers and lawyers to support women victims of violence (Interview, 5 December 2017, Montpellier). In Essonne, a departmental plan of action against violence against women has been adopted (2017-2019) (Interview, 1 March 2017, Evry). Although neither of the last two initiatives address forced marriage specifically, our interviews revealed that, in the Hérault, the integrated support teams at the departmental prefecture and the Montpellier police department have received forced marriage victims, although often the latter presented initially as cases of domestic violence. In Essonne, forced marriage is recognised as an issue that has to be tackled in the package of initiatives on violence against women, and training on understanding forced marriage and how it can be prevented has been held with support from GAMS and Voix de Femmes. (Interview, 30 August 2017, Evry).

It is at the level of civil society organisations that the bulk of policy implementation is undertaken in relation to violence against women and specifically forced marriage. Foremost among these organisations are GAMS (a national federation of organisations), the Mouvement Français de Planning Familial which

also has a federated structure and Voix de Femmes. These three organisations have built up a wealth of experiential knowledge in the domain of forced marriage policy over many decades and have as a result become the favoured interlocutors of the state at national and sub-national levels. In addition to their links with the state at national and sub-national level, they work alongside violence against women organisations and other stakeholders in local and national networks, integrating three of the four strands of forced marriage policy: prevention, protection of young women and girls and public awareness raising. In this section, we examine examples within these strands of policy implementation undertaken by such organisations.

If an important measure of gender equality is the eradication of violence against women in all its forms, then progress has been slow in France where the gender equality index score in the domain of violence is only slightly better than the EU average (European Institute for Gender Equality (EIGE) 2017). Laws and policies aimed at preventing violence, protecting women, punishing perpetrators and raising public awareness have not been implemented in such a way as to achieve the intended impact over the short or medium term at least. In most policy domains laws are essential but not enough for change to happen. In the area of violence against women, research in many countries has found that legislation is in place, but it is poorly implemented and resourced (Crozon 2016, 132; Htun and Weldon 2012; Krizsan and Popa 2014; Montoya 2013). The lack of political will and hence financial investment in a policy domain is the greatest obstacle in the face of policy implementation and positive transformation, followed by bureaucratic resistance. In the domain of violence against women generally and forced marriage more specifically the obstacles of political unwillingness and bureaucratic resistance are even more difficult to remove given the predominance of patriarchal attitudes within legislatures, state

executives and law enforcement agencies coupled with discriminatory beliefs and practices where women from minority communities are concerned. A gap therefore exists between law enactment on the one hand and systematic policy outcomes on the other hand. Such a policy gap is elsewhere referred to as ‘symbolic reform’ (Stetson and Mazur 1995). In the next section, attention is focused on the actors - NGOs, community organisations, elected and non-elected state representatives with a personal interest in forced marriage issues - who fill the implementation gap. This is important, since research has shown that ‘the stronger the local capacity, the more consistent progress will be’ (Montoya 2013, 250). However, Krizsan and Popa’s (2014) study of five central and eastern European countries has also shown that implementation measures, including providing funding for women’s rights organisations, can be much more vulnerable to budget cuts and political cycles than legislative entrenchment of gender transformation. Actions aimed at preventing forced marriage, protecting young women and girls from marrying against their will and raising public awareness will be highlighted. While the punishment of those who force young women and girls into marrying against their will constitutes a fourth strand of policy implementation, data on this is scarce. Punishing perpetrators is complicated by the fact that young women and girls, whether at risk or already married, are reluctant to bring charges against parents or close family members because they are fearful of destroying their closest relationships in what they perceive to be an exclusionary social environment and where they feel Othered on the basis of race. It is for this reason that many actors on the ground were opposed to the criminalisation of forced marriage.

Implementing forced marriage policy by civil society organisations

Not only have civil society organisations accumulated knowledge and experience of forced marriage and of the communities in which this practice takes place, they have also been key in shaping debates about the framing of forced marriage as an issue of violence against women, in bringing the issue to the attention of policy makers and in influencing policy making and implementation. This knowledge and experience has been built up from working with victims of forced marriage and those at risk for almost four decades, and it can be argued that considerable value is added to policy implementation at ground level through the work undertaken by these organisations.

Preventing forced marriage

Prevention measures include training those who work with young women and girls from communities in which forced marriage is practised to understand why forced marriage takes place and how to work towards its eradication. It also includes educating the young women and girls concerned about the options they have in avoiding forced marriage and in asserting their will in the face of family pressures to marry. Our research demonstrated that this is the most widespread implementation measure undertaken by civil society organisations either individually or in partnership with sister organisations and/or state agencies. This activity has received most funding from national and sub-national agencies in line with the continued emphasis placed on training and education in national action plans from 2005 onwards.

Training and education activity has also had a significant impact according to the assessment of the organisations concerned. They argue that placing training and education materials online has enabled them to reach an audience of young women and girls who would not normally knock on the doors of support organisations such as GAMS or MFPPF. The fact that training and education is seen by the authorities as a

cheaper means of implementing forced marriage prevention measures has meant that organisations are better placed to network with each other and exchange knowledge and best practice. The result, according to the organisations, is that the majority of young women and girls they support now present long before, rather than after, ‘the catastrophe’ of forced marriage takes place:

The majority come to us before [forced marriage takes place] and say ‘what shall I do because I don’t want it. Help me because I don’t want to be married off’. And a very small number come to us after the catastrophe, or after a part of the catastrophe has taken place. (Interview, 5 December 2017, Montpellier).

One area in which little, if any, educational work has been done is within the families of the young women and girls who are affected or at risk. There is a growing concern that while good work is being undertaken with victims of forced marriage and professionals such as teachers and social workers, there exists a gap at the level of families and communities where forced marriage practice occurs. Plugging this gap is not just a question of funding but also a question of accessing families and communities without posing a threat to their sense of safety and to the importance they attach to certain cultural and religious beliefs. In addition, there is resistance to intervening in the private sphere.

Protecting young women and girls from forced marriage

Immediate protection measures most commonly include, firstly, placing victims of forced marriage and at risk girls and young women in safe accommodation and secondly, invoking repatriation or the *Interdiction temporaire de sortie du territoire* (ITST) deriving from the law of 2010. The first measure constitutes a major preoccupation and source of tension in the work of organisations. Finding safe accommodation for young women and girls has been the most effective way of removing them from abusive forced marriages or from the threat of being sent by parents to their country of origin to be married. The more prominent organisations -

GAMS, Voix de Femmes and the MFPPF - working on forced marriage have found it increasingly difficult, if not impossible, to accommodate young women and girls in public sector hostels or Centres d'hébergement et de réinsertion sociale (CHRS). Many have found that they are back to the early days of their organisation's history when they had to rely on their own friends and family to put up a young woman at immediate risk of forced marriage abuse. Accommodation places have been cut savagely over the last decade in the context of austerity politics and in conflict between public authorities over who should fund public sector accommodation:

There is no accommodation ... listen we are tired. If, in two or three years, the number of accommodation places in France hasn't increased I'll change jobs because we are really tired. We waste a crazy, monumental amount of time looking for accommodation. And now you are starting to see girls who cannot be protected because we don't have anywhere to house them. Increasingly girls are reporting [forced marriage] and so it's just as well that there isn't a reporting policy otherwise [the situation] would be more dramatic : you'd have a whole lot of girls living rough.

(Interview, 7 June 2018, Paris).

In lieu of finding safe accommodation some organisations are invoking other mechanisms of protection, for example Aide éducative en milieu ouvert (AEMO) - a protection order granted by a court or, more rarely, by the Chair of the Conseil départemental (previously conseil général) – which places the young woman or girl continuing to live at home under supervision by a social worker for up to two years (Abu Amara and Hamel 2014).

The second mechanism of protection is repatriation. However, this is rarely used, because of bureaucratic resistance, complications related to the immigration status of the person to be repatriated, or because of the refusal of French consulates to assume repatriation charges. Organisations report that repatriation funding is negligible:

In France we have no budget for repatriating victims. We really have very, very little. Sometimes you get through only half the year and the budget is spent, not a penny left. It's mind blowing. In fact there isn't a budget in place. The victims of forced marriage are shoved into the same bag as those with a broken arm, victims of tsunamis ... there's no special budget for women victims of forced marriage.

(Interview, 7 June 2018, Paris).

In addition to these immediate legal protection measures, young women and girls are also offered support in seeking divorce from the spouse they have been forced to marry and (in the case of migrant women) in obtaining a residence permit which would untie their right to remain in France from that of the husband.

In all the cases above, organisations feel a sense of powerlessness in implementing forced marriage policy. These are the most resource-intensive measures in terms of time and funds and involve a detailed knowledge of laws pertaining to housing, immigration, child protection, violence against women and family law in countries to which a young woman or girl may have been sent. It is because of the level of the (mainly financial) resources required that public authorities are least willing to support organisations in the implementation of protection measures.

Public awareness raising

Some of the larger civil society organisations such as MFPPF, with financial support from national or sub-national government, have organised public information campaigns or events. In addition, some organisations have dedicated information centres which are responsible for disseminating information about forced marriage as part of wider campaigns on violence against women. Organisations also use other educational campaigns as vehicles onto which information about forced marriage may be piggy-backed. For example, a local campaign in Montpellier on 'Jeunesse, santé, citoyenneté' aimed at young women from disadvantaged neighbourhoods incorporated the issue of forced marriage. The Observatoire départemental des

violences envers les femmes in Seine-Saint-Denis has since 2007 organised numerous events annually ('Jeunes contre le sexisme' among others) which are used to talk about and raise awareness of forced marriage among young people. In addition *groupes de travail* facilitated by organisations for women from local communities are also often used to broach the topic. In addition to events which bring people together, the Internet is used effectively to spread information about forced marriage which can be accessed easily by members of the public. Internet sites such as that run by the Réseau jeunes filles confrontées aux violences et aux ruptures familiales on forced marriage ('Le mariage est un choix') are signposted by organisations, small and large, as a useful resource for young women seeking easy-to-understand information on women's rights in marriage and experiences of forced marriage.

Public awareness raising does not attract funding in the way that professional training programmes do and so most of it is undertaken using very modest budgets and relies to a great extent on the creativity and (Internet and social marketing) skills of individuals. This is a source of frustration to organisations which continue to seek greater public funding for public campaigns but whose energies must be concentrated for the most part on prevention and protection strategies.

Evaluation of forced marriage policy

The Haut Conseil à l'égalité entre les femmes et les hommes was created in 2013 and plays the role of evaluator of policies on violence against women, including that on forced marriage, as set out in the national action plans on violence against women which in turn derive from the Laws of 2006, 2010 and 2014. However, evaluation reports for national action plans one (2005-2007) and two (2008-2010), which pre-date the creation of the HCE, are not referenced in already published grey literature or in interviews with HCE members. The report on the third national action plan (2011-

2013) is referenced in the report on the fourth (2014-2016) (Abu Amara and Hamel 2014). The third plan is recognised for placing a continued emphasis on combating violence in families and forced and polygamous marriages but is criticised for lacking clear priorities and ways of achieving greater inter-ministerial coordination and evaluation of its key objectives and intended outcomes. In contrast, the HCE produced a comprehensive report on the fourth national action plan on violence against women in 2016. Its evaluation of forced marriage actions (Bousquet 2016) are summarised in Table 4.

Table 4: HCE Evaluation of Forced Marriage Actions in 4th NAP 2016.

Implementation indicators	Results	Lead
To strengthen the GAMS-Voix de Femmes partnership	This partnership had been renewed	Ministère des Affaires Etrangères
To monitor the call volume on female genital mutilation and forced marriage to the 3919 helpline and training of helpline staff	The GAMS had trained 3919 helpline staff. In 2015, 51 calls to the helpline concerned forced marriage.	FNSF
To map out and review local consular structures likely to receive forced marriage victims and training of consular agents	Consular structures had been reviewed. Consular staff had been trained.	Ministère des Affaires Etrangères
To strengthen the regional prevention networks of the MFPPF	In 2015, the Minister for Education had written to all head teachers regarding the prevention of and fight against forced marriage. This letter was resent to head teachers in 2016.	Ministère de l'Education Nationale
To update the Guide 'L'égalité entre les femmes et les hommes issus de l'immigration'	The Guide on Equality between women and men of immigrant origin had not been rewritten at the time of publication of the HCE evaluation report as they were awaiting the implementation orders for the laws on asylum and foreigners.	Ministère des Affaires Etrangères

Conclusion

Forced marriage was pushed onto the policy agenda as a result of intense campaigning by women's civil society organisations and key politicians (mostly

women) with an interest in combating violence against women in all its forms. It has come to form part of broader gender-based violence policy today although sometimes it is also addressed in relation to immigration policy, such as the 2003 immigration control law requiring relevant state officials to establish the validity of consent-based marriage between French citizens or permitted residents and their future overseas spouse. Its implementation, however, tends to be distinct in that it is carried out largely by civil society organisations such as Voix de femmes, GAMS and the MFPPF.

The ability of these organisations to implement policy effectively is compromised by a severe lack of resources although some policy goals are easier to address than others. For instance, increasing public awareness of forced marriage and training professionals (teachers, social workers etc.) to recognise at-risk girls and women has been achieved with some success in places where there are active forced marriage networks. However, the protection of girls and women, which constitutes a resource-intensive area of policy implementation, has been difficult. The ability of the abovementioned organisations to provide accommodation, for example, is the biggest challenge faced and is very restricted. Where prevention is concerned, the picture is mixed and includes effective initiatives such as the national forced marriage helpline run by the MFPPF in Montpellier although even in this case, success has not mitigated the threat of cuts to the service. However, the MFPPF, along with the other organisations, continues to play a key role as network coordinator, service provider, and producer of knowledge and expertise in the three sites in which our research was carried out.

Given the barriers faced by the civil society actors (and committed counterparts in local and national state agencies) the goal of removing the structural causes of gender-based violence, including forced marriage, remains impossible to reach. The

multidimensional disadvantages faced by at risk girls and women and victims of gender-based violence requires huge and long-term commitment on the part of the state to provide ample resources to reduce social and economic disadvantage and encourage cultural change, and this within a holistic policy approach involving different areas of the state in partnership with civil society organisations. Until then, the gap between law enactment and intended policy outcomes, or ‘symbolic reform’, will remain the order of the day.

In the meantime, France is a signatory to the Istanbul Convention, which envisions combating all forms of gender-based violence through both cultural and structural change. In 2017, the Convention’s architect and backer, the Council of Europe’s Committee of Ministers, declared the need to intensify efforts to prevent and combat forced marriage (and female genital mutilation) in European states. It stated that:

a comprehensive and integrated approach must lie at the heart of all efforts to eliminate female genital mutilation and forced marriage and must involve all grassroots organisations, social and education services, child protection services, the police, the justice system, the asylum system, health and other relevant professionals.

In this respect, coordinated actions in the parts of France selected for this study are meeting Council of Europe criteria. However, the Council of Europe emphasises that prevention requires awareness-raising in the affected communities, and this is not a practice which is being prioritised in France. The Council of Europe states: ‘Within community oriented awareness raising, the desired result is not just focusing attention and informing relevant parties on the effects and remedies, but to inspire and promote communication and reflection on the source of the practice and the underlying issues sustaining it’ (Council of Europe 2017 Paragraph 10). In contrast, in France there has

been a reluctance to work with communities and to consider underlying structural issues that contribute to forced marriage and other forms of violence against women.

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